

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**CHARLES C. FREENY III, BRYAN E.  
FREENY, and JAMES P. FREENY,**

**Plaintiffs,**

**v.**

**APPLE INC., ET AL.**

**Case No. 2:13-cv-00361-JRG**

**CONSOLIDATED**

---

**BUFFALO TECHNOLOGY (USA) INC.**

**Case No. 2:13-cv-00364-JRG**

---

**JOINT MOTION TO DISMISS BUFFALO AMERICAS, INC.  
(f/k/a BUFFALO TECHNOLOGY (USA) INC.) WITH PREJUDICE**

Plaintiffs Charles C. Freeny III, Bryan E. Freeny, and James P. Freeny (“Freenys”) and Defendant Buffalo Americas, Inc. (f/k/a Buffalo Technology (USA) Inc.) (“Buffalo”) announce to the Court that they have settled their claims for relief asserted in this cause and thus move this Court to dismiss with prejudice all pending claims and counterclaims, including all claims by the Freenys against Buffalo, and all claims by Buffalo against the Freenys. Each party is to bear its own costs and fees. A proposed order accompanies this Motion.

Dated: February 13, 2014

Respectfully submitted,

/s/ Richard C. Lin

BANYS, P.C.

Christopher D. Banys SBN: 230038 (California)

Richard C. Lin SBN: 209233 (California)

Jennifer L. Gilbert SBN: 255820 (California)

Banys, P.C.

1032 Elwell Court. Suite 100

Palo Alto, CA 94303

Tel: (650) 308-8505

Fax: (650) 353-2202

cdb@banyspc.com  
rcl@banyspc.com  
jlg@banyspc.com

LOCAL COUNSEL:

WARD & SMITH LAW FIRM  
Wesley Hill SBN: 24032294  
P.O. Buffalo 1231  
1127 Judson Road, Suite 220  
Longview, TX 75606-1231  
(903) 757-6400  
(903) 757-2323 (fax)  
wh@wsfirm.com

**ATTORNEYS FOR PLAINTIFFS  
CHARLES C. FREENY III, BRYAN E.  
FREENY, AND JAMES P. FREENY**

/s/ Myall S. Hawkins

Lisa H. Meyerhoff  
State Bar No. 14000255  
Email: Lisa.Meyerhoff@bakermckenzie.com  
Myall S. Hawkins  
State Bar No. 09250320  
Email: Myall.Hawkins@bakermckenzie.com  
Tan H. Pham  
State Bar No. 24046628  
Email: Tan.Pham@bakermckenzie.com

BAKER & McKENZIE LLP  
700 Louisiana, Suite 3000  
Houston, Texas 77002-2871  
Telephone: (713) 427-5000  
Facsimile: (713) 427-5099

**ATTORNEYS FOR DEFENDANT/  
COUNTERPLAINTIFF BUFFALO  
AMERICAS, INC. (f/k/a BUFFALO  
TECHNOLOGY (USA) INC.)**

**CERTIFICATE OF SERVICE**

I hereby certify that the attached Joint Motion To Dismiss Buffalo Americas, Inc. Americas, Inc. (f/k/a Buffalo Technology (USA) Inc.) with Prejudice is being served via the Court's CM/ECF system on February 13, 2014 on all counsel of record who consent to electronic service per Local Rule CV-5(a)(3).

/s/ Richard C. Lin

**CERTIFICATE OF CONFERENCE**

Pursuant to Local Rule CV-7(i), the undersigned certifies that counsel for Charles C. Freeny III, Bryan E. Freeny, and James P. Freeny has met and conferred with counsel for Buffalo Americas, Inc. (f/k/a Buffalo Technology (USA) Inc.) regarding this Joint Motion to Dismiss Buffalo Americas, Inc. with Prejudice, and the Parties have agreed to the requested relief and to file the motion jointly.

/s/ Richard C. Lin